

BARRY E. HINKLE, Bar No. 071223
PATRICIA A. DAVIS, Bar No. 179074
NICOLE PHILLIPS, Bar No. 203786
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091
Telephone 510.337.1001
Fax 510.337.1023

Attorneys for Plaintiffs

UNITED DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and RUSS BURNS, in their) No. C 06-07865 SC
respective capacities as Trustees of the)
OPERATING ENGINEERS HEALTH AND)
WELFARE TRUST FUND FOR NORTHERN) **STIPULATION FOR DISMISSAL**
CALIFORNIA; TRUSTEES OF THE PENSION) **WITH PREJUDICE; ORDER**
TRUST FUND FOR OPERATING ENGINEERS;) **THEREON**
TRUSTEES OF THE PENSIONED OPERATING)
ENGINEERS HEALTH AND WELFARE FUND;)
TRUSTEES OF THE OPERATING ENGINEERS)
AND PARTICIPATING EMPLOYERS PRE-)
APPRENTICESHIP, APPRENTICE AND)
JOURNEYMEN AFFIRMATIVE ACTION)
TRAINING FUND; TRUSTEES OF THE)
OPERATING ENGINEERS VACATION AND)
HOLIDAY PLAN,)
Plaintiffs,)
v.)
SMITH-EMERY COMPANY, A California)
Corporation;)
Defendant.)

Settlement having been reached, the parties, by and through their counsel of record, hereby
stipulate and request that the above-entitled action be dismissed in its entirety with prejudice, each

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STIPULATION FOR DISMISSAL WITH PREJUDICE; ORDER THEREON
Case No. 06-07865 SC

1 side to bear its own attorney's fees and costs.

2 Dated: 2/13/08, 2008

3 WEINBERG, ROGER & ROSENFELD
4 A Professional Corporation

5 By: *Patricia Davis*
6 PATRICIA DAVIS
7 Attorneys for Operating Engineers Trust Funds

8 Dated: February 5, 2008

9 WOLFLICK & SIMPSON

10 By: *Gregory D. Wolflick*
11 GREGORY D. WOLFLICK
12 Attorneys for Defendant Smith-Emery Company

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14
15 **ORDER**

16 **IT IS SO ORDERED.**

17
18 Dated: 2/14/08

